

EXHIBIT ONE

UNITED STATES' PROPOSAL FOR TRIAL PROCEDURES

The United States proposes that the following procedures be used during the consolidated *LULAC v. Abbott* trial. All parties are in agreement with regard to all suggested procedures except admitting reports or declarations from expert witnesses.

- The parties shall exchange designations of deposition testimony for inclusion in the trial record no later than September 14. Designations may be made for any deposition testimony taken in this case. Any objections and counter designations shall be exchanged no later than September 19. Any party's counter designations may include testimony from a different witness and which is not related to matters initially included in that party's designations, but is related to matters raised by another party in its designations. The parties shall combine and file designations and objections, along with copies of associated transcripts, by no later than September 23. Notwithstanding these dates, any designations of deposition testimony related to a deposition occurring on or after September 5 shall be due no later than 4 days after the court reporting service provides the 5-day expedited transcript. Objections and counter designations shall be exchanged no later than 3 days later. Combined designations and objections shall be filed, along with copies of associated transcripts, no later than 3 days after the objections and counter designations are exchanged.
- Motions *in limine* shall be due no later than September 14, 2022. Any opposition shall be due no later than September 21, 2022. Notwithstanding these dates, motions *in limine* related to a deposition occurring on or after September 5 shall be due no later than 5 days after the court reporting service provides the 5-day expedited transcript. Any opposition shall be due no later than 7 days after the motion is filed. Motions *in limine* shall not include objections to the reliability of an expert's proposed testimony under Federal Rule

of Evidence 702, the deadline for which passed on August 5, 2022. These deadlines shall not be construed to limit the rights of the parties at trial, including the right to object to evidentiary issues as they arise.

- Private Plaintiffs may submit affidavits by witnesses presented solely for the purpose of establishing standing for inclusion in the trial record. Private Plaintiffs shall submit any such affidavits to Defendants for examination no later than September 12. Defendants shall notify Private Plaintiffs of which affidavits they accept without cross-examination, if any, no later than September 16.
- The Court will admit as evidence any expert report submitted by a qualified expert who is available and testifies on direct and cross examination. In the alternative, the Court will admit as evidence any declaration submitted by a qualified expert in lieu of live direct examination, subject to live cross examination and redirect examination.
- Expert witnesses who testify during a case in chief may also provide rebuttal or sur-rebuttal testimony during a single appearance at trial. An expert witness who provides rebuttal or sur-rebuttal testimony during a single appearance may not subsequently be recalled to the stand, except in the event that an opposing party's expert witness subsequently presents testimony at trial that is outside the scope of that expert witness' report or deposition, in which case an expert witness who has already provided rebuttal or sur-rebuttal testimony may be recalled to the stand for the sole purpose of rebutting the new testimony.
- Each trial day will begin at 9:00 a.m. and shall proceed until at least _____ p.m., with a _____ minute break for lunch. The parties should expect that trial will be conducted on Saturdays.

- A total number of _____ trial hours are available. The United States and Private Plaintiffs shall be collectively allotted 50% of the trial hours to conduct direct and cross examinations. Defendants shall be allotted 50% of the trial hours to conduct direct and cross examinations.
- Opening statements will be optional and will count against the trial time of each party.